

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kimle, et al.
SERIAL NO : 09/335,648
FILED : June 18, 1999
TITLE : METHOD OF ELECTRONICALLY INITIATING AND MANAGING
AGRICULTURAL PRODUCTION CONTRACTS
Grp./A.U. : 2164
Examiner : Kyle, C.
Conf. No. : 6709
Docket No. : P03566US0

**THIRD SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE UNITED
STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME CITED
PATENT OR PUBLICATION
(37 CFR 1.131)**

Assistant Commissioner for Patents
Washington, D.C. 20231

A. PURPOSE OF DECLARATION

1. This declaration is to supplement the August 27, 2001 Declaration filed and of record in this application.
2. The persons making this Declaration are inventors Kevin L. Kimle, David R. Krog, Alan G. Schmitz and Reynold Harder, and E-Markets, Inc., the party in interest, by its President and Chief Operating Officer, Scott Cavey.

B. FACTS AND DOCUMENTARY EVIDENCE

3. The following table supplements the previous showing of Applicants' diligence relative to the invention of this application, by setting forth additional specific events that occurred in the development of the invention from the fall of 1996 to the summer of 1997. These events all relate to the efforts of Applicants and the

owner of the present application to move forward to reduce the invention to practice. Documents corroborating the events are attached to this declaration at the indicated Exhibits

Date	Meeting	Receipt	Exh./Pg.
October 1, 1996	Kilme and Krog met with Professor Kendrick of University of Nebraska. Meeting in Lincoln, NE. Discussed our ideas and business plan. After meeting went to Lazlo's Brewery & Grill in Lincoln. That evening we met Charlie Trauger in Omaha. Stayed in Omaha that night at Super 8. Next day drove to Gothenburg, NE to meet with Scott Friedlund of Frito-Lay.	Calendar, Omaha Motel Receipt, Meal Receipt	F1, F2, F3
October 2, 1996	Krog and Kimle met with Scott Friedlund of Frito-Lay in Gothenburg, NE. Discussed Frito-Lay corn sourcing and contracting needs and our E-Markets ideas. Took Scott to eat local restaurant.	Motel Receipt	F3
December 3, 1996	Kimle and Krog met with Sue Crum and Joe Lebeda of Pioneer. Met at Pioneer office in West Des Moines (Waterford Building conference Room #3). Discussed our ideas for grain sourcing and contracting. Meeting lasted nearly three hours.	Calendar, Lunch w/DuPont Receipt	G1
December 3, 1996	Kimle and Korg met with Dan Hammes and Tom Adler of DuPont at Applebee's restaurant in West Des Moines. Described E-Markets and our grain sourcing and contracting solutions. Interest was high and it was decided to have another meeting that included more DuPont folks including Dick Reasons, head of DuPont Quality Grains.	Lunch Receipt	G1
February 6, 1997	Kimle, Harder, Ringlee, and Korg met with group of DuPont Quality Grain folks including Hammes, Adler, Reasons, and others at the DQG office	Appointment book	H1

	in Urbandale, IA. Talked about E-Markers, our solutions, and showed a prototype application for contracting their identity-preserved products. Followed up meeting with a proposal to DuPont on February 20.		
February 17, 1997	Discussions with Stine Seed	Calendar	H2
March 5, 1997	Harvest States meeting w/Jim Tibbetts	Calendar	I1
March 6, 1997	Kimle, Harder, and Krog meeting with DQG at DuPont office in Urbandale to discuss proposal.	Calendar	I1
March 31, 1997	Meet w/Ed McMillan ABG business planning	Calendar and meal receipt	I2-I3
April 4, 1997	Project proposal meeting with DuPont at Urbandale office.	Calendar	I2
April 11, 1997	Meeting at DuPont Urbandale office with Dan Hammes to discuss project proposal.	Calendar	J1
April 21, 1997	Meeting with DQG Dan Dyer to discuss system	Calendar/mtg notes	J2, J3
May 6, 1997	Project meeting at DuPont Urbandale office with Dan Dyer	Calendar and receipt	K1, K2
May 13, 1997	Project meeting about Continental Grain w/Dale Jackson, Chris Ludwig, and Terry Rooney in Urbandale.	Calendar	K3
May 13, 1997	Project meeting with Dave Stamp and Doug Krog of Croplan Genetics at E-Markets office in Ames.	Calendar	K3
May 13, 1997	Project meeting with Tom Adler of DQG in E-Markets Ames office.	Calendar	K3
May 19, 1997	Project meeting with Randy Osterbur in Quincy, IL.	Hotel and Meal receipt and Calendar	K4, K5, K6
May 20, 1997	Project meeting with Bill Wyffels, Bonnie Bell, Robert O'Rourke and others of Wyffels Hybrids at the Wyffels office in Atkinson, IL.	Calendar	K4
June 10, 1997	Project meeting with Tom Adler and Pat Hiliard of DQG at DuPont office in Urbandale, IA	Calendar	L1
June 19, 1997	Meeting with Blue Valley Co-op, John Malin	Meal Receipt	L2
June 23,	Project meeting with Tom Adler and Pat	Calendar	L3

1997	Hilliard of DQG.		
June 26, 1997	Meeting with DQG folks and 13 DuPont CPCs at DuPont Urbandale office to demonstrate on-line contracting functionality.	Calendar	L3

C. TIME OF PRESENTATION OF THE DECLARATION

4. This declaration is submitted after final rejection.

D. DECLARATION

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

F. SIGNATURE(S)

6.

Inventor(s)Full name of first inventor Kevin KimleInventor's Signature Kevin KimleDate 2/7/03 Country of Citizenship U.S.A.

Residence _____

Post Office Address 3222 Lettie St.
Amar IL 60014

Signature of Person Signing

Scott Cavy

Title of Person Signing President and COO

Date 2-7-02

Name of Assignee Scott Cavy

Post Office Address 1606 Golden Aspen Dr Suite 108
Ames IA 50014

Attachments to Declaration: Exhibits F-L

EXHIBIT E

SEPTEMBER/OCTOBER

Week 40

30 Monday

274/92

278/88

OCTOBER

Friday 4

SLO

Brent, John, Marshall, Tom B.
North End Dinner

1 Tuesday

Saturday 5

3:00

2 Wednesday

Sunday 6

3 Thursday

OCTOBER							NOVEMBER						
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27	28	29	30	31			24	25	26	27	28	29	30

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W. H. Koenig & Son
+ Charles

S - Market 11th
at Parkside

Münster 1936

LAFLOG BREWERY & GRILL

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119726203211000000

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ACCORDING TO CARD ISSUER AGREEMENT
REBATE AGREEMENT IF CREDIT URGED
BY CREDIT-URGEANT
BETTER COPY CENTER

1930-1931
AUGUST 1931
SOUTHERN
INDIA

F 2/3

David & NE professor mtg

Frito Lay mtg

SUPER 8 MOTEL
1160 WEST BROAD RD.
MILWAUKEE, WI
53170-2000

Name		Dave Kroq					
(PLEASE PRINT)							
Markets		8					
46 Waterbury Circle		6703					
Minneapolis, MN 50312		9-1-76					
STATE	ZIP	DATE					
DAYS OCCUPIED							
S	M	T	W	T	F	S	
Room No.		Name		Arrive		Depart	
205		[REDACTED]		10/21/76		10/23/76	
Rate		47.68		Tax		7.71	
Tax		7.71		Total		55.39	
Phone		[REDACTED]		Misc.		55.39	
Total		55.39		Amt. pd.		55.39	
Check Visa AE Other No. in any		[REDACTED]		Clerk		KJS	
Signature		[REDACTED]		[REDACTED]		[REDACTED]	

E 3/3

EXHIBIT G

Lunch w/ Kevin &
D. P. & A. *[Signature]*

DECEMBER

MBER

1996

Week 49

Monday

337/29

Tuesday

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EXHIBIT H

FEBRUARY 1997

WEEK 6

3 Tuesday

DAVASS

7 Friday

DAVASS

• MM

5.15 UA

11.67

MM

6 Saturday

D 100 D 100

ESTIMATOR

REMARKS

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H 112

FEBRUARY 1997

WEEK 8

✓

17. MAR 1997. Mountain Division.

49/377

✓ Jim is moving, Shreve, USA

and to Denver, CO

✓ First aid Try on RGP date

Take Home Home - Shreve, LA

✓ 18. MAR 1997. Shreveport, LA

49/377

✓ 19. MAR 1997. Shreveport, LA

49/377

✓ 20. MAR 1997. Shreveport, LA

49/377

✓

21. MAR 1997. Shreveport, LA

49/377

✓ 22. MAR 1997. Shreveport, LA

49/377

✓ 23. MAR 1997. Shreveport, LA

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✓

24. MAR 1997. Shreveport, LA

49/377

✓ 25. MAR 1997. Shreveport, LA

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✓ 26. MAR 1997. Shreveport, LA

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✓ 27. MAR 1997. Shreveport, LA

49/377

✓ 28. MAR 1997. Shreveport, LA

49/377

✓ 29. MAR 1997. Shreveport, LA

49/377

✓ 30. MAR 1997. Shreveport, LA

49/377

✓ 31. MAR 1997. Shreveport, LA

49/377

H 2/2

EXHIBIT I

MARCH 1997

WEEK 10

✓ 3 Wed 11:30 AM ~~Services~~

✓ 4 Thu 11:30 AM

✓ 5 Fri 11:30 AM

✓ 6 Sat 11:30 AM

✓ 7 Sun

H 1/3

B 11:30 AM drop next to Extent \$2000
80 1000 Market in Ames

Bro

B 11:30 AM E-Markets w/ John Shaffer

9 Sat 11:30 AM

✓ 10 Sat 9:30 AM ~~United States~~
Alfred Hickey, Jan
Tim Tibbetts

✓ 11 Sat 9:30 AM ~~E-markets~~, mtg.

✓ 12 Sun

✓ 13 Mon

Match 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Am

MARCH/APRIL 1997

WEEK 14

31 MASTERSIDE Team Weekend 100

90/175

10 7:30 Ed M. Holiday Inn 1st
place 1st place P.M. 3

11 5:30 Race of Steel 100

13 100 Double D

14 100 Double D

15 Extent

1 4:30 AM

2 Washington

3 10:30

4 10:30

5 10:30

6 10:30

7 10:30

8 10:30

9 10:30

10 10:30

3 Triathlon

4 Triathlon

5 Triathlon

6 Triathlon

7 Triathlon

8 Triathlon

To Ames (80m)

10 Cutto

12 8:00 100m

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31 8:00

APRIL 1997

90/271

I 2/3

April	May											
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3	4	5	6	7	8	9	10	11	12	13	14	15
4	5	6	7	8	9	10	11	12	13	14	15	16
5	6	7	8	9	10	11	12	13	14	15	16	17
6	7	8	9	10	11	12	13	14	15	16	17	18
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14	15	16	17	18	19	20	21	22	23	24	25	26
15	16	17	18	19	20	21	22	23	24	25	26	27
16	17	18	19	20	21	22	23	24	25	26	27	28
17	18	19	20	21	22	23	24	25	26	27	28	29
18	19	20	21	22	23	24	25	26	27	28	29	30
19	20	21	22	23	24	25	26	27	28	29	30	31

EXHIBIT J

APRIL 1997

WEEK 15

7. Watering

#1 PAB

10.00

10.00

② 11:30 ~~Condo~~ Cafe ~~Elton Johnson~~

4-6921

8. 1. 2004

1.00

16. 8:30 ~~Bonanza~~ ~~Elton Becker~~

③ Condo ~~Elton Becker~~

1.00

10:00

Dr. Amy Ornto

1.00

Scrap Price (~~Condo~~)

10. 9. 2004

1.00

② 11:30 John & ~~Condo~~ Trucks

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27	28
29	30
31	32

APRIL 1997

WEEK 15

11. 10:00

10.00

10.00

513

APRIL 1997

WEEK 17

21 Monday

Page 11 of 11 / 254

16 11:30 Dr. Dule

22 Tuesday

E&M

10 To Contact

80 4:30 To class after

23 Wednesday

10 *Journal*

24 Thursday

APRIL 1997

115/250

25 Friday

— French (or) German

The Times Herald

~~335~~ 335 Society practice and audience
in London and in Japan

26 Saturday

27 Sunday

April					May				
	1	2	3	4	5	6	7	8	9
6	7	8	9	10	11	12	13	14	15
13	14	15	16	17	18	19	20	21	22
20	21	22	23	24	25	26	27	28	29
27	28	29	30			25	26	27	28

52/3

Jan Dyer

4-21-97

Contracting system

- greater contrast w/ elevation
 - which seed / burning
 - delivery site

[REDACTED]

— 1 —

[REDACTED]

58

- price locking in process is cumbersome
 - train cells [REDACTED]
 - [REDACTED] cells start to confirm
 - [REDACTED]

- look-up contract

enters / exits / Search

- entry 1 --

- edit or

- Second step has done most content.

- Electron

— DePauw

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53/3



EXHIBIT K

MAY 1997

WEEK 19

MAY 1997

5 10 AM 1997 - Bremerton (WA) International Airport (PA) - Callahan (PA) 25/26

25/26

10/22/96

6 10 AM 1997 - Bremerton (WA) International Airport (PA) - Callahan (PA) 25/26

25/26

10/22/96

- Arrived to Callahan PA

7 10 AM 1997 - Callahan (PA) - Bremerton (WA) International Airport (PA) 25/26

25/26

K 1/6

8 10 AM 1997 - Bremerton (WA) International Airport (PA)

10 8 AM 1997 - Bremerton (WA) International Airport (PA)

25/26

9 10 AM 1997 - Callahan (PA) - Bremerton (WA) International Airport (PA) 25/26

25/26

10 8 AM 1997 - Callahan (PA) - Bremerton (WA) International Airport (PA) 25/26

25/26

11 8 AM 1997 - Bremerton (WA) International Airport (PA)

25/26

12 - 2 Dan Day @ DART w/
Kesem & John
Call John & John
Call John & John

8: This is very important information

May

June

1	2	3	4	5	6	7	8	9	10	11	12	13	14
9	10	11	12	13	14	15	16	17	18	19	20	21	22
17	18	19	20	21	22	23	24	25	26	27	28	29	30
26	27	28	29	30	31								

10/22/96

MAY 1997

WEEK 20

12 Monday

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13 Tuesday

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16 Friday

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17 Saturday

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MAY 1997

WEEK 21

MAY 1997

19 Monday

Wife went for

12:25

19 May 1997

Wife went for

12:25

20 Friday
Wife back in quarry

To mother

20 May 1997

Wife back in quarry
Wife back in quarry

21 Saturday

21 May 1997

22 Sunday
8:00 To Amo
11 John

22 Sunday
8:00 To Amo
11 John

22 May 1997

23 Monday
To contracted for 2 p.m.
12:30 Kevin

23 Monday
To contracted for 2 p.m.
12:30 Kevin

23 May 1997

24 Tuesday
and David Allen Crabb

24 Tuesday
and David Allen Crabb

24 May 1997

25 Wednesday
10:50 To contracted for 2 p.m.
12:30 Kevin

25 Wednesday
10:50 To contracted for 2 p.m.
12:30 Kevin

25 May 1997

MONDAY

May 1997

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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K 4/6



MOLINE
2705 48th Avenue
Moline, IL 61265
(309) 752-4536

Randy Osterbar
mtg

TOLL FREE RESERVATIONS (800) 228-2800

GUEST CHARGES SUMMARY

Thank you for choosing Fairfield Inn. We hope you enjoyed your stay. If you are not an INNSiders Club member already, fill out an application today. Start enjoying the benefits of club membership like earning free room nights with our SleepFree Awards, Express Check-In, a free USA TODAY each weekday morning, Personal Check Privileges, Spouse Stays Free and many more. We look forward to seeing you at another Fairfield Inn soon!

Fairfield Inn Staff

GUEST NAME REYNOLD HARDER

PHONE	45-2175-
ROOM NUMBER	304
ROOM TYPE	DD
NO. OF GUESTS	2
RATE	\$61.75
CLERK	103

ARRIVE 05-19-97

DEPART 05/20/97

DATE	DESCRIPTION	CHARGES	CREDITS
05-19-97	LONG DISTANCE #515-277-8129	3.14	
05-19-97	ROOM CHARGE - REGULAR	60.95	
05-19-97	ROOM TAX	3.05	
05-19-97	STATE TAX	3.56	
05-20-97	VISA		76.45

** BALANCE **

Fairfield Inn voted "Best Overall Value" in the 1995读者投票评选。

THE NEW STANDARD IN ECONOMY LODGING

K5/6

Ryan Oster Day
11/14/97

APPLEBEE'S
NEIGHBORHOOD GRILL & BAR
3827 BROADWAY
QUINCY, IL 62301

USER: [REDACTED]
DATE: 05-19-97 TIME: 12:54

HARDER/REYNOLD R

APPROVAL CODE: [REDACTED]

AMOUNT: 32.92

TIP: 4.00

TOTAL: 36.92

X

Cardmember agrees to pay total in accordance with agreement governing use of such card.

** CUSTOMER COPY **

SOME THINGS ARE MADE FOR EACH OTHER

K 6/6

EXHIBIT L

JUNE 1997

WEEK 24

JUNE 1997

WEEK 24

9. Interview Arne
Call Dave Hamner, [REDACTED]
10. 4 call John Wark, [REDACTED]
use Dave Stump, [REDACTED] 6/11

10. 11:00 AM

8:00 Tom Adler, Pat Holland

8:00 AM To Arne office

11. [REDACTED]

- call Dave Stump
call Kim Garrison

12. [REDACTED]

June	July
1	2
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29	30
30	31

L 113

chili's

CHILI'S
GRILL & BURGERS

THE PEPPERCORN REST
SOUTH HIGHWAY 15 BOX 29
SEWARD NE 68434

DATE: 06/19/97

TERM: 0001

S-A-L-E-S D-R-A-F-T

SERVER: 0015

REF: 0012 BCH: 497

CD TYPE: UT

TR TYPE: PR

AMOUNT: \$21.00

TIP: ----- 2.50

TOTAL: ----- 23.50

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(CREDIT AGREEMENT IF CREDIT VOUCHER)

THANK YOU!
HAVE A NICE DAY!

TO: MERCHANT BOTTOM COPY-CUSTOMER

L 2/3

JUNE 1997

WEEK 26

JUNE 1997

23 Monday

Call Bob Neel

MAIL

27 Friday

10:30 leave for Omaha

MAIL

2300 ORF sent by

MAIL

12:00 Set up prototype

MAIL

28 Saturday

10:30 leave for Omaha

MAIL

24 Tuesday a meeting for us?

MAIL

29 Sunday

10:30 leave for Omaha

MAIL

25 Wednesday

MAIL

30 Thursday

10:30 leave for Omaha

MAIL

26 Friday

MAIL

31 Friday

10:30 leave for Omaha

MAIL

20 10:45 AM - Dated 15 CICS

MAIL

21 10:45 AM - Dated 15 CICS

MAIL

Long
1 2 3 4 5 6 7 8
9 10 11 12 13 14 15 16
17 18 19 20 21 22 23 24
25 26 27 28 29 30 31

3/3